

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|---------------|---|----------------------------------|
| CAREDX, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 19-662 (CFC) (CJB) |
| |) | |
| NATERA, INC., |) | REDACTED - PUBLIC VERSION |
| |) | |
| Defendant. |) | |

**DEFENDANT NATERA, INC.’S *DAUBERT* MOTION TO EXCLUDE THE
OPINIONS OF PLAINTIFF’S EXPERT JAMES MALACKOWSKI
RELATING TO “CORRECTIVE ADVERTISING” DAMAGES**

Defendant Natera, Inc. moves pursuant to Federal Rules of Evidence 702 and 403 to exclude opinions of Plaintiff CareDx Inc.’s expert James Malackowski relating to “corrective advertising” damages. The grounds for this motion are fully set forth in the accompanying Brief in Support of Defendant Natera’s Motion to Exclude “Corrective Advertising” Testimony of Plaintiff’s Damages Expert James E. Malackowski and accompanying exhibits, filed concurrently.

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/s/ Derek J. Fahnestock

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December 2, 2020

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RULE 7.1.1 CERTIFICATE

Pursuant to D. Del. LR 7.1.1, counsel for Defendant, including Delaware Counsel, certifies that a reasonable effort has been made to reach agreement with counsel for Plaintiff on the subject matter of this motion and that the parties were unable to reach agreement.

/s/ Derek J. Fahnestock

Derek J. Fahnestock (#4705)

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[PROPOSED] ORDER

Before the Court is Defendant Natera, Inc.’s Daubert Motion to Exclude the Opinions of Plaintiff’s Expert James Malackowski Relating to “Corrective Advertising” Damages. Having considered the parties’ submissions as well as the applicable law, Defendant’s Motion is hereby GRANTED.

IT IS SO ORDERED this _____ day of _____, 2020.

UNITED STATES DISTRICT JUDGE